

Message Text

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ACTION EB-08

INFO OCT-01 ARA-10 EUR-12 EA-10 IO-13 ISO-00 AGRE-00
CEA-01 CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-10
INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00
AID-05 SS-15 STR-07 ITC-01 TRSE-00 ICA-11 SP-02
SOE-02 OMB-01 DOE-15 AF-10 NEA-10 /166 W
-----121273 051131Z /10

P 051108Z APR 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 7981

INFO AMEMBASSY ATHENS

AMEMBASSY BELGRADE

AMEMBASSY BONN

AMEMBASSY BRASILIA

AMEMBASSY BRUSSELS

AMEMBASSY BUDAPEST

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY MADRID

AMEMBASSY MEXICO

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY SEOUL

AMEMBASSY STOCKHOLM

AMEMBASSY TAIPEI

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

AMEMBASSY VIENNA

AMEMBASSY WARSAW

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BRUSSELS ALSO FOR USEEC

PARIS ALSO FOR USOECD

PASS TREASURY

E.O. 11652: N/A

TAGS: ETRD, GATT

SUBJECT: GATT ANTIDUMPING COMMITTEE MEETING, APRIL 3-4

REF: 77 GENEVA 9418

1. SUMMARY: GATT ANTIDUMPING COMMITTEE MET APRIL 3-4 TO DISCUSS (A) PROBLEMS AND ISSUES UNDER ANTIDUMPING CODE AND (B) STEEL ANTIDUMPING PROGRAMS OF U.S. AND EC (LATTER DISCUSSION REPORTED SEPTEL). IN LOW-KEY AND LARGELY PROCEDURAL DEBATE, MEMBERS NARROWED LIST OF PRIORITY ISSUES AND DECIDED TO DISCUSS FOUR OF THEM -- LARGELY "NITTY GRITTY" PROBLEMS OF ANTIDUMPING ADMINISTRATION -- AT NEXT REGULAR COMMITTEE MEETING. TO PREPARE FOR MEETING, SECRETARIAT AND MEMBERS WILL CIRCULATE PAPERS IN AN EFFORT TO EDUCATE COMMITTEE ON PRESENT NATIONAL PRACTICES AND PAST DISCUSSIONS OF THESE ISSUES. END SUMMARY.

2. A SPECIAL MEETING OF THE GATT COMMITTEE ON ANTI-DUMPING PRACTICES WAS HELD APRIL 3-4. MAGNUS LEMMEL OF SWEDISH PERMANENT DELEGATION PRESIDED. DISCUSSION OF SPECIFIC ANTIDUMPING CASES WAS GENERALLY AVOIDED, AS AGENDA CONTAINED ONLY TWO ITEMS: (A) A CONTINUATION OF DISCUSSION BEGUN AT OCTOBER 1977 MEETING ON THE ANALYTICAL INVENTORY OF PROBLEMS AND ISSUES ARISING UNDER THE CODE, AND (B) A DISCUSSION OF THE STEEL ANTIDUMPING LIMITED OFFICIAL USE

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ACTIVITIES OF CERTAIN ADHERENTS TO THE CODE (I.E. U.S. AND EC STEEL ANTIDUMPING PROGRAMS). LATTER ITEM REFLECTED JAPANESE DESIRE TO RESUME AND BROADEN DISCUSSION OF U.S. AND EC ANTIDUMPING MEASURES BEGUN AT OCTOBER 1977 MEETING (REFTEL). FORMER ITEM STEMMED FROM EC INITIATIVE IN CALLING FOR CONSIDERATION OF WHETHER CODE SHOULD BE REVISED (REFTEL). THIS MESSAGE REPORTS ON LOW-KEY AND GENERALLY PROCEDURAL DISCUSSIONS ON AGENDA ITEM A ONLY. SEPTEL REPORTS DISCUSSION ON STEEL.

3. AT OPENING SESSION SEVERAL DELEGATIONS, ESPECIALLY JAPANESE, CALLED FOR COMMITTEE TO BEGIN WORK ON DRAFTING INTERPRETIVE NOTES TO CODE AS A WAY OF RESOLVING DISCREPANCIES IN ANTIDUMPING PRACTICE OF MEMBERS. U.S. REPRESENTATIVE (TREASURY DAS EHRENHAFT) ATTEMPTED INSTEAD TO FOCUS COMMITTEE'S ATTENTION ON A RELATIVELY NARROW SET OF ISSUES INVOLVING "NITTY GRITTY" DETAILS OF ANTIDUMPING ADMINISTRATION AND PRACTICE. U.S. AIM WAS TO FACILITATE DIALOGUE THAT MIGHT EVENTUALLY LEAD TO A GREATER HARMONIZATION OF MEMBERS' ANTIDUMPING PRACTICE AND THEREBY CONTRIBUTE TO SMOOTHER INTERNATIONAL TRADE WITHOUT NECESSITATING CHANGES IN CODE OR U.S.

STATUTE.

4. U.S. APPROACH WAS GENERALLY WELL RECEIVED AND SERVED AS A BASIS FOR APRIL 3 DISCUSSION. HOWEVER, AT INSISTENCE OF EC (BESELER), JAPAN (TERADA), AND TO A LESSER EXTENT CANADA (HINES), SEVERAL QUESTIONS RELATING TO INJURY WERE INCLUDED IN PRIORITY LIST (ITEMS C, D AND E BELOW). FINALLY AGREEMENT WAS REACHED ON EIGHT IMPORTANT ISSUES MERITING EARLY ATTENTION OF COMMITTEE (U.S. PROPOSED A, B, F AND G):

A. SALES AT A LOSS, INCLUDING THE CONCEPT OF DUMPING. CANADIANS ECHOED EARLIER U.S. SUGGESTION THAT

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P 051108Z APR 78

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BRUSSELS ALSO FOR USEEC
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PASS TREASURY

PROBLEM OF TREATMENT OF PRODUCTS USING MATERIALS OR
COMPONENTS OBTAINED BELOW COST BE STUDIED.

B. ALLOWANCES RELATING TO PRICE (AND PRODUCT)
COMPARABILITY.

C. DEFINITIONS OF "MATERIAL INJURY."

D. CAUSALITY OF INJURY.

E. REGIONAL PROTECTION.

F. INITIATION AND REOPENING OF INVESTIGATIONS
(REOPENING ADDED AT SUGGESTION OF AUSTRIA).

G. PRICE UNDERTAKINGS.

H. EXPLANATION AND RECONSIDERATION OF DECISIONS
(CANADA PRESSED FOR INCLUSION OF PERIODIC RECONSIDERA-
TION AND REVOCATION OF ANTIDUMPING DUTIES).

5. SECOND DAY'S DISCUSSION RESULTED IN FURTHER NARROWING
OF ISSUES FOR PRIORITY ATTENTION AND IN AGREEMENT ON
PROCEDURES BY WHICH THEY WILL BE ADDRESSED BY COMMITTEE.
AFTER CONSULTING WITH KEY DELEGATIONS, U.S. SUGGESTED
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THAT FOUR ISSUES BE SELECTED FROM THOSE LISTED PARA 4
FOR CONSIDERATION AT THE REGULAR OCTOBER MEETING OF

THE COMMITTEE. AGREEMENT WAS REACHED ON FIRST CONSIDERING ITEMS A, B, E AND G LISTED PARA 4. NO SUBSTANTIVE DISCUSSION OF THESE ISSUES TOOK PLACE. IT WAS AGREED, HOWEVER, THAT SECRETARIAT WILL PREPARE BY JUNE 15 BACKGROUND MATERIAL ON PREVIOUS DISCUSSIONS OF THESE ISSUES DURING DRAFTING OF CODE AND SINCE, INCLUDING AN UPDATING OF THE ANALYTICAL INVENTORY ON THESE ISSUES. MEMBERS ALSO AGREED TO PREPARE THEIR OWN PAPERS ON THESE ISSUES DESCRIBING THEIR PRESENT PRACTICE IN THESE AREAS. IN ADDITION, MEMBERS MAY PROPOSE WAYS OF DEALING WITH ISSUES. THE PAPERS WILL BE CIRCULATED IN THE NEXT SEVERAL MONTHS SO THAT THE FOUR ISSUES CAN BE FORMALLY DISCUSSED AT THE NEXT MEETING. THE SAME PROCEDURE MIGHT BE USED FOR A DISCUSSION OF THE OTHER FOUR PRIORITY ISSUES AT A SUBSEQUENT MEETING. VANDEN HEUVEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMMITTEE MEETINGS, ANTIDUMPING LAW (TRADE)
Control Number: n/a
Copy: SINGLE
Draft Date: 05 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA05052
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780146-1198
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780491/aaaaczhi.tel
Line Count: 239
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 33ff7cb6-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 GENEVA 9418
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3071934
Secure: OPEN
Status: NATIVE
Subject: GATT ANTIDUMPING COMMITTEE MEETING, APRIL 3-4
TAGS: ETRD, GATT
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/33ff7cb6-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014